

DELTA PROTECTION COMMISSION

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DRAFT MINUTES**DELTA PROTECTION COMMISSION MEETING**

6:30 p.m. on JUNE 22, 1995

JEAN HARVIE COMMUNITY CENTER
14273 RIVER ROAD, WALNUT ROAD1. Call to Order/Roll Call.

The meeting was called to order at 7:10 p.m. Present were: Chairman McCarty, Vice Chair Fargo, Commissioners Broddrick, Calone, Curry, Ferreira, Hill, Mello, Murphy, Nottoli, Potter, Salmon, Sekelsky, Simas, Torlakson, and Yates. Absent were: Commissioners Freeman, McGowan, and Thomson.

2. Public Comments

There were no public comments.

3. Adoption of Minutes of May 25, 1995.

On a motion by Commissioner Nottoli and a second by Commissioner Simas, the minutes were approved as submitted. Commissioners who did not attend the May meeting abstained.

4. Chairman's Report

The Chairman reported that the next meeting will be on July 27, 1995, and that upcoming events include the Buddhist Bazaar and the Courtland Pear Fair.

5. Attorney General's Report.

Richard Frank reported that he was researching the issue of Delta fines. He reviewed pending cases of interest to the Commission including Ehrlich v. Culver City regarding fees and exactions; Hanson Brothers v. Nevada County, and Babbitt

v. Sweet Home regarding endangered species habitat. He added that the Attorney General's opinion stated that modification of endangered species habitat is not a taking. Commissioner Potter asked the Attorney General to brief the Commission on the Sweet Home case when it is decided. He stated there had been a closed session regarding pending litigation and that no decisions had been made in closed session.

6. Executive Director's Report.

Margit Aramburu reported on the funds in Delta fund; meetings she had attended on behalf of the Commission; the status of the Plan reprinting; status of local government plan preparation; the status of the recreational user study; the status of the GIS program; and an update on the high waters issue.

7. Updated Pending Project Memo. Staff will present an updated memo for Commission information only. There were no questions.

8. Briefing by Lester Snow on the CALFED Planning Process. The new director of the state-federal CALFED project will brief the Commission on the process to develop a new water management program for the State and federal water projects. The program was mandated by the December 15, 1994 water agreement.

Mr. Snow distributed a handout about the CALFED process and described the history of the process leading to the December 1994 accord. He said he is pursuing an ecosystem approach and that issues associated with habitat, water quality, water supply, and disasters would all be addressed. He said the problem and alternatives would be identified, a preferred alternative developed and an environmental document prepared. The process is to last three years and will include public workshops and meetings statewide.

Commissioner Broddrick asked if agricultural drainage from the valley would be addressed; Mr. Snow said it must be addressed in some way.

Commissioner Fargo said the water agency for City and County of Sacramento had developed a set of principles.

Commissioner Potter asked when the first BDAC meeting will be held; Mr. Snow said Thursday June 29, 1995, and noted that Chairman McCarty has been appointed to the BDAC.

Jerry Robinson commented the Central and South Water Agencies are not involved in the stakeholders and he is

concerned that the point of the process is increased exports from the Delta which will result in a peripheral canal; Commissioner Potter said Pat McCarty will help to represent the Delta on BDAC but the stakeholders is not a public group. Commissioner Fargo asked for information about the stakeholders.

Carl Amundson from Florin Resource Conservation District asked how the process would be coordinated with the Bay Protection Toxic Clean-up Committee; Mr. Snow said he will coordinate with the State Water Resources Control Board.

9. Briefing by Corps of Engineers on Prospect Island Wildlife Habitat Project (Solano County).

Chairman McCarty introduced Leslie Lew and Lynn O'Leary of the Corps staff. Commissioner Potter introduced Walter Yep, Chief of Planning for the Sacramento Corps office.

Ms. O'Leary reviewed planning projects underway by the Corps. These include: Sacramento-San Joaquin Special Study, with DWR and the Reclamation Board: a regional plan for flood control, navigation and environmental restoration; Sacramento River Salmon Study: includes study of the lock at Port of Sacramento; West Delta Islands (Reconnaissance Report): Jersey, Webb and Twitchell Islands; recommends further study of Twitchell; Little Holland Tract and Liberty Island: currently flooded, studying further restoration.

Commissioner Mello asked if the Corps is addressing work on non-project levees indicating that redirected flows have impacts on non-project levees; Ms O'Leary said yes.

Commissioner Calone asked if there are programs to protect existing wetlands, such as the wetlands on Winter Island; Ms O'Leary said yes, to the south of the Delta on China Island. She suggested working with the regulatory staff. Commissioner Potter said Winter Island may be in a different Corps district.

Commissioner Murphy asked if current programs to downsize federal projects would eliminate some of these programs; Ms. O'Leary and Mr. Yep said none of these projects will be affected.

Ms. Lew presented a report on the proposed Prospect Island including slides of the site and adjacent lands. She outlined the proposal to break the levee in two locations, modify some levees to a 10 to 1 slope; construct islands; and plant areas.

Commissioner Mello asked if the project would affect neighbors through flooding or seepage, or if the project would affect common farming practices on nearby agricultural lands. Ms. Lew suggested all concerns would be addressed in the final project design.

Commissioner Curry asked the velocity and depth of the channel and asked if boaters would be allowed; Ms. Lew said the channel would allow 5 cfs through the site and boating would be allowed but restricted to non-motorized vessels.

Commissioner Simas asked how much land was formerly farmed and what would be the annual economic loss; Ms. Lew said that 1,200 acres would be retired from farming and that an old study indicated that income from the property was approximately \$200,000 per year.

Commissioner Broddrick commented that the levee work is not typical, but is similar to a stabilization project.

Commissioner Mello asked more questions about the current levee maintenance costs and future maintenance costs; Ms. Lew said the current costs are about \$300,000 per year and would be reduced to approximately \$90,000 per year.

Commissioner Potter said he had visited the site and said it is almost in the Yolo Bypass and is designed to be flooded and will protect adjacent properties.

10. Commission Consideration and Possible Adoption of Resolution in Support of the Prospect Island Project.

Chairman McCarty asked for comments on the proposed resolution.

Neil Hamilton, Ryer Island, RD #501, said flooding on Prospect affects Ryer Island and asked the Commission to postpone consideration of the proposed project until he can make a more formal presentation.

Tom Hester, Ryer Island, said due to seepage he is not able to plant all his land; the water is coming from Prospect Island. He said if Prospect Island is permanently flooded, that will change cropping patterns and affect land values.

Commissioner Mello asked if Prospect Island drains without pumping.

Commissioner Potter asked if the Port's levee has been repaired; Ms. Lew did not know. He asked if there had been a study of the hydraulic connection between Prospect and Ryer Islands; Ms. Lew said the Corps will study any possible

problems, such as seepage and will not pursue a project that would adversely impact neighboring lands.

Priscilla Vidisky of Bethel Island, said she is concerned that the Corps may breach a levee, yet won't let Bethel Island break through its' levee.

Commissioner Murphy asked the difference between the 26 million dollar estimate and the ten million dollar estimate; Ms. Lew said it breaks down according to the amount of dirt to be moved and amount of planting. The estimate is now 7 million dollars; funds have been spent on acquisition.

Commissioner Hill said the project looks good, however, he wants more information about the possible impacts to the neighbors and expressed concerns about project costs.

Commissioner Simas raised concern about the amount of funds spent planning in the last year without developing information about the seepage issue, he said he has major concerns about the impacts to the neighbors.

Commissioner Nottoli said action on the resolution appears premature and asked that the project return with environmental documentation and with a presentation from the neighbors.

Commissioner Mello agreed he is not ready to support the resolution and asked that it be tabled.

Commissioner Calone said he would not support the resolution unless it addresses the concerns of the Ryer Island landowners.

Commissioner Broddrick said the project is a conceptual plan to create habitat and reduce Corps maintenance costs. He asked that the Commission not send a negative message to the Corps, but support creation of habitat on lands that have been sold by the land owner. He thanked the Corps for coming to the meeting and supports the benefits for rare and endangered species and the new venue of the Corps.

Commissioner Fargo agreed with Commissioner Broddrick and said its an issue of timing; she suggested the matter be continued, not tabled and asked when the project could return.

Commissioner Torlakson said DAPC didn't have the opportunity to review projects like this. He suggested that the Commission express interest in assisting to facilitate communication between the Corps and others. He suggested going on record addressing that interest.

Commissioner Simas said he could not support the proposed project; the Corps needs to mitigate the loss of \$200,000 of annual agricultural income and the impacts to Ryer Island.

Commissioner Murphy asked that a revised project address the issue of recreational impacts.

Commissioner Ferreira asked if the funds have been appropriated; Ms. Lew said funds have been appropriated for the next fiscal year; the Corps needs a local sponsor.

Commissioner Simas moved; seconded by Commissioner Torlakson to continue the matter until additional information is presented by the Corps. Commissioner Torlakson suggested that the Commission staff work with the parties to facilities exchange of information. The motion was approved on a voice vote.

11. Budget and Work Program for FY 95-96.

Ms Aramburu outlined the staff report entitled "Proposed Budget and Work Program for Fiscal Year 95-96". She recommended turning unallocated funds toward the Commission's original loan; she outlined the proposed funding for next fiscal year; and she described tasks staff will carry out next fiscal year.

Commissioner Fargo asked why the unallocated are being returned to the ELPF and not designated toward planing programs such as the recreational user study.

On a motion by Commissioner Torlakson and a second by Commissioner Nottoli, the Commission adopted the budget and work program by a voice vote.

12. Commissioner Comments.

Commissioner Ferreira said he had received a letter from Del Monte stating that use of urban-generated biosolids on crops would result in a cancelled contract.

13. Adjourn.

The meeting was adjourned at 9:05 p.m.